



DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Thursday, 7th December, 2023 at 6.30 pm

PRESENT

MEMBERS

Councillors C Sollis (Chair), G Birtwistle, S Cunliffe, S Graham, J Harbour, B Horrocks, A Hosker, M Hurt, S Hussain, J Inckle, A Kelly, P Reynolds and M Steel

OFFICERS

Laura Golledge	– Planning Manager
Joshua Parkinson	– Principal Planner
Carol Eddleston	– Democracy Officer
Mollie Boothman	– Legal Officer

54. Apologies

Apologies for absence were received from Councillor Chaudhary.

55. Minutes

The Minutes of the last meeting held on 9th November 2023 were approved as a correct record and signed by the Chair.

56. Additional Items of Business

There were no additional items of business.

57. Declaration of Interest

Councillor Kelly declared a other interest (prejudicial) in minute no 60 [agenda item 6a)]. In accordance with the Code of Conduct for Members she was permitted to address the committee on the matter before leaving the room for the duration of the debate and vote.

Councillor Cunliffe declared a other interest (personal) in minute no 61 [agenda item 6b]. In accordance with the Code of Conduct for Members he was permitted to remain in the room and take part in the debate and vote.

58. Exclusion of the Public

There were no items on the agenda from which the public were excluded.

59. List of Deposited Plans and Applications

The following members of the public attended the meeting and addressed the Committee under the Right to Speak Policy:

Gary Dawes - FUL/2023/0432 - 4 Lindsay Park Worsthorne-with-Hurstwood Lancashire
Loren Durkin - FUL/2023/0432 - 4 Lindsay Park Worsthorne-with-Hurstwood Lancashire

RESOLVED: That the list of deposited plans be dealt with in the manner shown in these minutes.

60. PIP/2023/0648 - Land Between Hill Farm And Copucobana Halifax Road Briercliffe

Town and Country Planning Act 1990 (as amended)
Land between Hill Farm and Copucobana, Halifax Road, Briercliffe, Burnley, BB10 3QS
Application for permission in principle for construction of one dwelling

Councillor Kelly addressed the committee as a member of the public and then left the meeting for the remainder of the item. In accordance with the Code of Conduct for Members she took no part in the debate or vote.

Decision

That the application be approved subject to the following informatives.

Informatives

1. Article 35 – Positive and Proactive Planning

The Local Planning Authority have worked positively and proactively with the applicant's agent by raising areas of concern relating to the flood risk sequential test with them and the Environment Agency. This has led to a recommendation of approval.

2. Technical Details Consent

Please note, an application for approval of technical details consent must be made not later than three years from the date of this permission.

Beyond the national information requirements, it is recommended that the following local information requirements will likely be applicable:

- i. Biodiversity Survey and Report;
- ii. Flood Risk Assessment;
- iii. Landscaping Scheme;
- iv. Parking and Access Arrangements;
- v. Refuse and Recycling Statement;
- vi. Tree Survey/Arboricultural Implications Assessment; and
- vii. Utilities Statement and Foul Sewage Assessment (including Surface Water).

It is also recommended that you respond to the consultation responses received on the application and previous approval reference PIP/2020/0581.

Councillor Kelly returned to the room.

61. FUL/2023/0432 - 4 Lindsay Park Worsthorne-with-Hurstwood Lancashire

Town and Country Planning Act 1990

New build detached house to be built on land at number 4 Lindsay Park
4 Lindsay Park, Worsthorne-with-Hurstwood, Burnley, BB10 3RR

Councillor Cunliffe declared a other interest (personal). In accordance with the Code of Conduct for Members he remained in the room for the duration of the item and participated in the vote.

Decision

That the application be approved subject to the following conditions.

Conditions and Reasons

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the approved plans and supporting documents listed on this notice below.

Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

3. Notwithstanding details shown on submitted plans, the dwelling shall not be rendered until the colour of said render has been agreed in writing by the Local Planning Authority.

Reason: To ensure that the dwelling is rendered in a colour that is sympathetic to its surroundings, in the interests of visual amenity.

Highways

4. Construction of the approved dwelling shall not commence until two car parking spaces in the front garden of No.4 Lindsay Park have been completed and are available for use of

occupants of and visitors to No.4 Lindsay Park. The parking spaces shall be surfaced in a solid, permeable material and so retained. The two parking spaces shall thereafter remain available for parking of vehicles associated with No.4 Lindsay Park.

Reason: To ensure satisfactory levels of appropriately constructed off-street parking are achieved within the development and to avoid unnecessary parking on the highway to the detriment of highway safety, and in accordance with policy IC3 of Burnley`s Local Plan July 2018.

5. The dwelling hereby approved shall not be occupied until two car parking spaces have been completed and are available for use by its occupants and visitors. The parking spaces shall be surfaced in a solid, permeable material and so retained. The two parking spaces shall thereafter remain available for parking of vehicles associated with the dwelling hereby approved.

Reason: To ensure satisfactory levels of appropriately constructed off-street parking are achieved within the development and to avoid unnecessary parking on the highway to the detriment of highway safety, and in accordance with policy IC3 of Burnley`s Local Plan July 2018.

6. The parking areas hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the household(s) and shall not be used for any use that would preclude the ability of their use for the parking of private motor vehicles, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

Reason: To ensure satisfactory levels of appropriately constructed off-street parking are achieved within the development and to avoid unnecessary parking on the highway to the detriment of highway safety, and in accordance with policy IC3 of Burnley`s Local Plan July 2018.

7. The development hereby permitted shall not be occupied until an electric vehicle charging point has been installed; and shall thereafter be maintained. This shall be fitted in line with the DfT guidance regarding Electric Vehicle Charging in Residential and Non-residential buildings, which states charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles.

Reason: To support sustainable transport objectives and to contribute to a reduction in harmful vehicle emissions.

8. Notwithstanding details shown on the submitted plans, the visibility splays identified on Drawing No. 15 shall be maintained such that no obstruction in excess of 900mm in height shall exist at any time bar cars parked on the approved driveways. The visibility splays shall be retained for the lifetime of the development.

Reason: In the interests of highway safety.

9. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days` notice to the Local Planning Authority.

Reason: to protect the amenities of nearby residents in accordance with policy NE5 and SP5 of the adopted Local Plan.

10. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan/statement shall provide:

Details of the parking of vehicles of site operatives and visitors.

Details of loading and unloading of plant and materials.

Arrangements for turning of vehicles within the site where necessary.

Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures, where necessary.

Measures to protect vulnerable road users (pedestrians and cyclists).

The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

Wheel washing facilities.

Measures to deal with dirt, debris, mud, or loose material deposited on the highway because of construction.

Measures to control the emission of dust and dirt during construction.

Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.

Construction vehicle routing.

Delivery, demolition, and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases.

11.No building or use hereby permitted shall be occupied or use commenced until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway (and/or verge) fronting the site in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: In the interests of pedestrian safety and accessibility

12.No building or use hereby permitted shall be occupied or use commenced until the footway (and/or verge) has been reinstated to full kerb height, where any vehicle crossover(s) are redundant, in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: To maintain the proper construction of the highway and in the interest of pedestrian safety.

13. There shall be no burning of construction-derived waste or other materials within the curtilage of the premises.

Reason: to protect the amenities of nearby residents in accordance with policy NE5 and SP5 of the adopted Local Plan.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no door, window, dormer window or rooflight other than those expressly authorised by this permission shall be constructed without Planning Permission obtained from the Local Planning Authority.

Reason: To ensure the privacy for adjacent occupiers, in accordance with Policy HS4 of the Local Plan and the NPPF.

15. Notwithstanding details shown within the application, the dwelling shall not be occupied until details of both foul and surface water drainage have been submitted to the Local Planning Authority, approved in writing by the LPA and have been implemented in full. The elements of drainage so implemented shall be retained thereafter to the satisfaction of the Local Planning Authority. For the avoidance of doubt the site shall be drained utilising a separate system for foul and surface water, and surface water shall be discharged in a sustainable manner in accordance with the Hierarchy of Drainage Options stated below:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system;
- to a combined sewer.

Reason: For the avoidance of doubt and to ensure satisfactory drainage in accordance with Policies CC4 and CC5 of the adopted Burnley Local Plan, National Planning Practice Guidance and the NPPF.

Notes

This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 171 Lancashire County Council as the Highway Authority must specify the works to be carried out. Only a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must contact the Highway Authority on highways@lancashire.gov.uk to ascertain the details of such an agreement. More information can be found on Lancashire County Council's website at <http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx>

62. Decisions taken under the Scheme of Delegation

Members received for information a list of decisions taken under delegation since the last meeting.

63. Appeal and Other Decisions

Members received for information an update regarding the request to the Secretary of State (Department for Levelling Up, Housing and Communities) for the Crow Wood solar farm.